

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHNNY L. BRINSON

No. C 11-2700 WHA (PR)

Petitioner,

ORDER OF DISMISSAL

vs.

GARY SWARTHOUT, Warden,

(Docket No. 4)

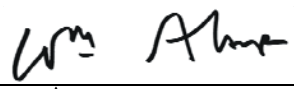
Respondent.

Petitioner, a state prisoner currently incarcerated at, has filed a second or successive petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. His prior petition, No. C 02-5453 WHA (PR), was denied on its merits. A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. *See* 28 U.S.C. § 2244(b)(3)(A). Petitioner has not sought or obtained such an order from the Ninth Circuit. The petition is accordingly **DISMISSED** without prejudice to refiling if petitioner obtains the necessary order. Petitioner's application to proceed in forma pauperis is **GRANTED** in light of his lack of funds.

The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: June 30, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE